

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

FLORAETTA BRAXTER,)	
)	
Plaintiff,)	
)	
v.)	CIV. ACT. NO. 2:20cv638-ECM
)	(WO)
DOLLAR GENERAL, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

The Plaintiff filed a complaint naming Dollar General as one of the two Defendants to this lawsuit. (Doc. 1-1). On March 11, 2021, the Plaintiff was ordered to show cause why her claims against Dollar General should not be dismissed for want of prosecution pursuant to FED.R.CIV.P.41(b). (Doc. 11). On April 2, 2021, the Plaintiff filed a response stating that she believes Dolgencorp, LLC to be the only proper defendant and requesting that Dollar General be dismissed as a Defendant. Accordingly, it is

ORDERED as follows:

1. Pursuant to FED.R.CIV.P.41(a), Dollar General is DISMISSED as a defendant in this case.
2. The Plaintiff and Dolgencorp, LLC are hereby reminded of the obligation, imposed by FED.R.CIV.P. 26(f), to confer and to develop a proposed discovery plan and other information as required for filing the report of the parties' planning meeting. Accordingly, it is

ORDERED that the FED.R.CIV.P. 26(f) report containing the discovery plan shall be filed as soon as practicable but not later than **April 19, 2021**.

Dispositive motions shall be filed no later than 120 days prior to the pretrial hearing/conference date. If the parties seek to vary from that schedule, they should present, in the plan, specific case-related reasons for the requested variance. In their Rule 26(f) report, however, the parties should assume that the 120-day requirement will apply when the Court enters the Rule 16(b) Uniform Scheduling Order. (“USO”).

It is also the practice of this court that Rule 26(a)(3) witness list exchange (§ 9 USO), deposition designations (§ 10 USO), and exchange of trial exhibits and evidence (§ 11 USO) will generally be required to occur sixty days before the trial term, to allow appropriate time for filing and resolution of objections and motions related thereto. The parties may agree to longer deadlines, but shorter deadlines ordinarily will not be allowed.

This case ordinarily will be set for trial during one of the undersigned’s regularly scheduled civil trial terms, **within 14 to 16 months of this order** if a term is available and, if not available, then as soon as possible thereafter. **The pretrial date is normally set within eight weeks of a scheduled trial term.**

The dates of the undersigned’s trial terms as well as all other dates used in her Uniform Scheduling Order can be found on the Court’s website located at <http://www.almd.uscourts.gov>.

The Court may or may not hold a scheduling conference before issuing a scheduling order. If the Court holds a scheduling conference, counsel may participate in the scheduling conference by telephone unless otherwise ordered by the Court.

The scheduling order entered by the Court will follow the form of the Uniform Scheduling Order adopted by the judges of this Court. The Uniform Scheduling Order is also available on the Court's website.

DONE this 5th day of April, 2021.

/s/ Emily C. Marks

EMILY C. MARKS

CHIEF UNITED STATES DISTRICT JUDGE